



General Assembly

January Session, 2005

Substitute Bill No. 1335

* SB01335HS_ED_032905 *

**AN ACT CONCERNING PROGRAMS AND SERVICES OF THE
DEPARTMENT OF SOCIAL SERVICES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 10-76d of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (a) (1) In accordance with the regulations and procedures
5 established by the Commissioner of Education and approved by the
6 State Board of Education, each local or regional board of education
7 shall provide the professional services requisite to identification of
8 children requiring special education, identify each such child within its
9 jurisdiction, determine the eligibility of such children for special
10 education pursuant to sections 10-76a to 10-76h, inclusive, prescribe
11 suitable educational programs for eligible children, maintain a record
12 thereof and make such reports as the commissioner may require.

13 (2) Any local or regional board of education, through the planning
14 and placement team established in accordance with regulations
15 adopted by the State Board of Education under this section, may
16 determine a child's Medicaid enrollment status. In determining
17 Medicaid enrollment status, the planning and placement team shall:
18 (A) Inquire of the parents or guardians of each such child whether the
19 child is enrolled in or may be eligible for Medicaid; and (B) if the child

20 may be eligible for Medicaid, request that the parent or guardian of the
21 child apply for Medicaid. For the purpose of determining Medicaid
22 rates for Medicaid eligible special education and related services based
23 on a representative cost sampling method, the board of education shall
24 make available documentation of the provision and costs of Medicaid
25 eligible special education and related services for any students
26 receiving such services, regardless of an individual student's Medicaid
27 enrollment status, to the Commissioner of Social Services or to the
28 commissioner's authorized agent at such time and in such manner as
29 prescribed. For the purpose of determining Medicaid rates for
30 Medicaid eligible special education and related services based on an
31 actual cost method, the local or regional board of education shall
32 submit documentation of the costs and utilization of Medicaid eligible
33 special education and related services for all students receiving such
34 services to the Commissioner of Social Services or to the
35 commissioner's authorized agent at such time and in such manner as
36 prescribed. The commissioner or such agent may use information
37 received from local or regional boards of education for the purposes of
38 (i) ascertaining students' Medicaid eligibility status, (ii) submitting
39 Medicaid claims, (iii) complying with state and federal audit
40 requirements and (iv) determining Medicaid rates for Medicaid
41 eligible special education and related services. No child shall be denied
42 special education and related services in the event the parent or
43 guardian refuses to apply for Medicaid.

44 (3) Beginning with the fiscal year ending June 30, 2004, the
45 Commissioner of Social Services shall make grant payments to local or
46 regional boards of education in amounts representing fifty per cent of
47 the federal portion of Medicaid claims processed for Medicaid eligible
48 special education and related services provided to Medicaid eligible
49 students in the school district. Such grant payments shall be made on
50 at least a quarterly basis and may represent estimates of amounts due
51 to local or regional boards of education. Any grant payments made on
52 an estimated basis, including payments made by the Department of
53 Education for the fiscal years prior to the fiscal year ending June 30,

54 2000, shall be subsequently reconciled to grant amounts due based
55 upon filed and accepted Medicaid claims and Medicaid rates. If, upon
56 review, it is determined that a grant payment or portion of a grant
57 payment was made for ineligible or disallowed Medicaid claims, the
58 local or regional board of education shall reimburse the Department of
59 Social Services for any grant payment amount received based upon
60 ineligible or disallowed Medicaid claims.

61 (4) Pursuant to federal law, the Commissioner of Social Services, as
62 the state's Medicaid agent, shall determine rates for Medicaid eligible
63 special education and related services pursuant to subdivision (2) of
64 this subsection. The Commissioner of Social Services may request and
65 the Commissioner of Education and towns and regional school
66 districts shall provide information as may be necessary to set such
67 rates.

68 (5) Based on school district special education and related services
69 expenditures, the state's Medicaid agent shall report and certify to the
70 federal Medicaid authority the state match required by federal law to
71 obtain Medicaid reimbursement of eligible special education and
72 related services costs.

73 (6) Payments received pursuant to this section shall be paid to the
74 local or regional board of education which has incurred such costs in
75 addition to the funds appropriated by the town to such board for the
76 current fiscal year.

77 (7) The planning and placement team shall, in accordance with the
78 provisions of the Individuals With Disabilities Education Act, 20 USC
79 1400, et seq., as amended from time to time, develop and update
80 annually a statement of transition service needs for each child
81 requiring special education.

82 (8) Each local and regional board of education shall notify the
83 parent or guardian of a child who requires or who may require special
84 education, a pupil if such pupil is an emancipated minor or eighteen
85 years of age or older who requires or who may require special

86 education or a surrogate parent appointed pursuant to section 10-94g,
87 in writing, at least five school days before such board proposes to, or
88 refuses to, initiate or change the child's or pupil's identification,
89 evaluation or educational placement or the provision of a free
90 appropriate public education to the child or pupil. Such parent,
91 guardian, pupil or surrogate parent shall be given at least five school
92 days' prior notice of any planning and placement team meeting
93 conducted for such child or pupil and shall have the right to be present
94 at and participate in and to have advisors of such person's own
95 choosing and at such person's own expense to be present at and to
96 participate in all portions of such meeting at which an educational
97 program for such child or pupil is developed, reviewed or revised.
98 Immediately upon the formal identification of any child as a child
99 requiring special education and at each planning and placement team
100 meeting for such child, the responsible local or regional board of
101 education shall inform the parent or guardian of such child or
102 surrogate parent or, in the case of a pupil who is an emancipated
103 minor or eighteen years of age or older, the pupil of the laws relating
104 to special education and the rights of such parent, guardian, surrogate
105 parent or pupil under such laws and the regulations adopted by the
106 State Board of Education relating to special education. If such parent,
107 guardian, surrogate parent or pupil does not attend a planning and
108 placement team meeting, the responsible local or regional board of
109 education shall mail such information to such person. Each board shall
110 have in effect at the beginning of each school year an educational
111 program for each child who has been identified as eligible for special
112 education.

113 (9) When recommended by the planning and placement team and
114 specified on the individualized education plan, a service eligible for
115 reimbursement under the Medicaid program shall be deemed to be
116 authorized by a practitioner of the healing arts under 42 CFR
117 440.130(d), provided such service is recommended by an appropriately
118 licensed or certified individual and is within the individual's scope of
119 practice. Diagnostic and evaluation services eligible for reimbursement

120 under the Medicaid program and recommended by the planning and
121 placement team shall also be deemed to be authorized by a practitioner
122 of the healing arts under 42 CFR 440.130(d) provided such services are
123 recommended by an appropriately licensed or certified individual and
124 are within the individual's scope of practice.

125 ~~[(9)]~~ (10) The Commissioner of Social Services shall implement the
126 policies and procedures necessary for the purposes of this subsection
127 while in the process of adopting such policies and procedures in
128 regulation form, provided notice of intent to adopt the regulations is
129 published in the Connecticut Law Journal within twenty days of
130 implementing the policies and procedures. Such policies and
131 procedures shall be valid until the time final regulations are effective.

132 Sec. 2. Subsection (a) of section 17b-3 of the general statutes is
133 repealed and the following is substituted in lieu thereof (*Effective from*
134 *passage*):

135 (a) The Commissioner of Social Services shall administer all law
136 under the jurisdiction of the Department of Social Services. The
137 commissioner shall have the power and duty to do the following: (1)
138 Administer, coordinate and direct the operation of the department; (2)
139 adopt and enforce regulations, in accordance with chapter 54, as are
140 necessary to implement the purposes of the department as established
141 by statute; (3) establish rules for the internal operation and
142 administration of the department; (4) establish and develop programs
143 and administer services to achieve the purposes of the department as
144 established by statute; (5) contract for facilities, services and programs
145 to implement the purposes of the department as established by statute;
146 (6) process applications and requests for services promptly; (7) with
147 the approval of the Comptroller and in accordance with procedures as
148 may be specified by the Comptroller, make payments to providers of
149 services for individuals who are eligible for benefits from the
150 department as appropriate; (8) make no duplicate awards for items of
151 assistance once granted, except for replacement of lost or stolen checks
152 on which payment has been stopped; ~~[(8)]~~ (9) promote economic self-

153 sufficiency where appropriate in the department's programs, policies,
154 practices and staff interactions with recipients; [(9)] (10) act as advocate
155 for the need of more comprehensive and coordinated programs for
156 persons served by the department; [10)] (11) plan services and
157 programs for persons served by the department; [(11)] (12) coordinate
158 outreach activities by public and private agencies assisting persons
159 served by the department; [(12)] (13) consult and cooperate with area
160 and private planning agencies; [(13)] (14) advise and inform municipal
161 officials and officials of social service agencies about social service
162 programs and collect and disseminate information pertaining thereto,
163 including information about federal, state, municipal and private
164 assistance programs and services; [(14)] (15) encourage and facilitate
165 effective communication and coordination among federal, state,
166 municipal and private agencies; [(15)] (16) inquire into the utilization
167 of state and federal government resources which offer solutions to
168 problems of the delivery of social services; [(16)] (17) conduct,
169 encourage and maintain research and studies relating to social services
170 development; [(17)] (18) prepare, review and encourage model
171 comprehensive social service programs; [(18)] (19) maintain an
172 inventory of data and information and act as a clearing house and
173 referral agency for information on state and federal programs and
174 services; and [(19)] (20) conduct, encourage and maintain research and
175 studies and advise municipal officials and officials of social service
176 agencies about forms of intergovernmental cooperation and
177 coordination between public and private agencies designed to advance
178 social service programs. The commissioner may require notice of the
179 submission of all applications by municipalities, any agency thereof,
180 and social service agencies, for federal and state financial assistance to
181 carry out social services. The commissioner shall establish state-wide
182 and regional advisory councils.

183 Sec. 3. Subsection (c) of section 17b-105a of the general statutes is
184 repealed and the following is substituted in lieu thereof (*Effective from*
185 *passage*):

186 (c) The Commissioner of Social Services, pursuant to [7 CFR 273.9,]

187 7 USC 2014(e)(6), shall implement the federal option to mandate the
188 use of a standard utility allowance, to be used in place of actual utility
189 costs, for purposes of calculating the excess shelter deduction of
190 applicants for, or recipients of, food stamp program benefits. Pursuant
191 to 42 USC 2014(e)(6)(C)(iii)(III), the commissioner shall not prorate a
192 standard utility allowance based upon the fact that an assisted
193 household shares the utility with an individual who is not a member of
194 the assisted household.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	10-76d(a)
Sec. 2	<i>from passage</i>	17b-3(a)
Sec. 3	<i>from passage</i>	17b-105a(c)

HS**Joint Favorable Subst. C/R****ED**